

PATENT

Docket No. 26842-1060(FLO5360.03A)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RANDY J. KESTEN ET AL.
Serial No.: 09/724,691
Filed: NOVEMBER 28, 2000
For: INTRA-AORTIC RENAL DRUG DELIVERY CATHETER
Group: 3736
Examiner:

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ FORM PTO-1449 (Modified)
3. ☐ Statement As To Information Material To Examination Not Found In Patents Or Publications
4. ☐ Identification Of Prior Application In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☒ Concise Explanation of Non-English Language Listed Information Items
8. ☐ Translation(s) of Non-English Language Documents
9. ☒ Identification of Person(s) Making This Information Disclosure Statement

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Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. PTO Form 1449 (modified)

FORM 1449 IS BEING SUBMITTED HERewith IN 9 PAGE(S).

Section 3. Statement As To Information Material To Examination Not Found In Patents Or Publications (Information not listed in PTO-1449)

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted

Note: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 CFR 1.98(d).

WARNING: While a copy of a non-English language item of information need not be submitted if its was previously submitted to or cited by the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

Section 5. Cumulative Patents or Publications

NOTE: "When the disclosure of two or more patents or publications listed in an information disclosure statement are substantially cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications provided that a statement is made that these other patents or publications are cumulative." 37 CFR 1.98(c).

STATEMENT

_____ is cumulative of the following patents or publications listed on Form PTO-1449
(modified):

In accordance with 37 CFR 1.98(c) a copy of only _____ is being submitted with this
information disclosure statement.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 CFR 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included ..."

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of **all** items listed accompany this information disclosure statement.

Exception(s) to above

_____ **Items in prior application from which an earlier filing date is claimed for this application as identified in Section 4.**

_____ Cumulative patents or publications identified in Section 5.

It is respectfully stipulated, however, that none of these references teach or render obvious, singly or when considered in combination, applicant's claimed invention. This citation does not constitute an admission that the references are relevant or material to the claims nor that a search has been made; the references are cited only as constituting the closest art of which the applicant is aware.

Section 7. Concise Explanation of Non-English Language Listed Information Items

NOTE: "A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the information of each patent, publication, or other information listed that is not in the English language **shall** be included in any information disclosure statement filed under § 1.97. "The concise explanation may be either separate from the specification or incorporated therein." 37 CFR 1.98(a)(3).

NOTE: "[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "Where the information listed is not in the English language, but was cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by submitting an English language version of the search report." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office." Notice of January 9, 1992, 1136 O.G. 13-25, at 20.

WARNING: "The requirement in §1.98(a)(3) for a concise explanation of non-English information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application." Notice of January 9, 1992, 1136 O.G. 13-25, at 20 (emphasis added).

FOR ALL NON-ENGLISH LANGUAGE ITEMS, THE APPLICANT IS SUBMITTING HERewith A COPY OF AN ENGLISH LANGUAGE VERSION OF THE INTERNATIONAL SEARCH REPORT INDICATING THE DEGREE OF RELEVANCE FOUND BY THE FOREIGN OFFICE TO MEET THE CONCISE EXPLANATION REQUIREMENT.

**DE 43 24 637 A1 SEARCH REPORT FROM INTERNATIONAL APPLICATION NO. PCT/US01/13686
FROM INTERNATIONAL PUBLICATION NUMBER WO 01/83016.**

**EP 0 654 283 A1 SEARCH REPORT FROM INTERNATIONAL APPLICATION NO. PCT/US99/07411
FROM INTERNATIONAL PUBLICATION NUMBER WO 99/51286.**

Section 8. Translation(s) of Non-English Language Documents

NOTE: "If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation shall accompany the statement." 37 CFR 1.98(c).

NOTE: "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not English and the that Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English-language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements of a concise explanation in § 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

- X No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.
- Submitted herewith is an English language translation of the following foreign patents, publications or information or of those portions of those patents, publications or information considered to be material:

Section 9. Identification of Person(s) Making This INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of:

_____ the information supplied by the inventor(s)

X the information in the attorney's file

Dated:

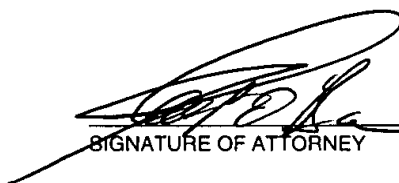
12/18/2002

Reg. No.:

33,201

Tel. No.:

(916) 498-1010


SIGNATURE OF ATTORNEY

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O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814

12-23-02

3536

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
26842-1060(5360.03A)

In Re Application Of: **RANDY J. KESTEN ET AL.**

O I P E
JG16
DEC 18 2002
PATENT & TRADEMARK OFFICE

Serial No.
09/724,691

Filing Date
NOVEMBER 28, 2000

Examiner

Group Art Unit
3536 3763

Title: **INTRA-AORTIC RENAL DRUG DELIVERY CATHETER**

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
26842-1060(5360.03A)

Re Application: **RANDY J. KESTEN ET AL.**

Serial No.
9/724,691

Filing Date
NOVEMBER 28, 2000

Examiner

Group Art Unit
3536

INTRA-AORTIC RENAL DRUG DELIVERY CATHETER

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☐ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.

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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Certificate

~~*This certificate may only be used if paying by deposit account.~~

Dated:

12/18/2002

Signature

JOHN P. O'BANION, REG. NO. 33,201
O'BANION & RITCHEY LLP
400 CAPITOL MALL, SUITE 1550
SACRAMENTO, CA 95814
(916) 498-1010

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Docket No.

26842-1060(FLO5360.03A)

Serial No.

09/724,691

Filing Date

NOVEMBER 28, 2000

Examiner


Group Art Unit

3736Invention: **INTRA-AORTIC RENAL DRUG DELIVERY CATHETER**

I hereby certify that the following correspondence:

Transmittal of Information Disclosure Statement (Page 1 & 2)*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

December 18, 2002*(Date)***JERRY V. KING***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EV265365076US***(“Express Mail” Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

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Docket No.

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Serial No.

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Filing Date

NOVEMBER 28, 2000

Examiner

Group Art Unit

3736Invention: **INTRA-AORTIC RENAL DRUG DELIVERY CATHETER**I, **JERRY V. KING**, do hereby certify that the following correspondence:**Information Disclosure Statement (Page 1 thru 10)***(Identify type of correspondence)*

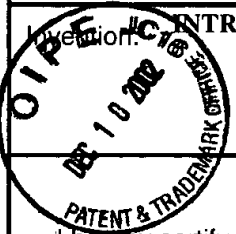

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Serial No. 09/724,691	Filing Date NOVEMBER 28, 2000	Examiner	Group Art Unit 3736	
Invention: INTRA-AORTIC RENAL DRUG DELIVERY CATHETER				
				
I hereby certify that the following correspondence:				
<div>Information Disclosure Citation (PTO-1449) (Page 1 thru 10)</div>				
(Identify type of correspondence)				
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on <u>December 18, 2002</u> (Date)				
<div>JERRY V. KING (Typed or Printed Name of Person Mailing Correspondence)</div> <div> (Signature of Person Mailing Correspondence)</div> <div>EV265365076US ("Express Mail" Mailing Label Number)</div>				
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